

By: Uresti

S.B. No. 2078

A BILL TO BE ENTITLED

AN ACT

relating to newborn hearing screenings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 47.003(a) and (c), Health and Safety Code, are amended to read as follows:

(a) A birthing facility, through a program certified by the department under Section 47.004, shall perform ~~[offer the parents of a newborn]~~ a hearing screening not later than the 30th day after the newborn's birth on each [for the] newborn born at the facility for the identification of hearing loss unless the parent declines the screening for reasons of conscience, including a religious belief. The birthing facility [screening] shall inform the parents [be offered] during the birth admission that:

(1) the facility is required by law to screen the newborn for hearing loss; [7] and

(2) the parents may decline the screening for reasons of conscience, including a religious belief [shall be informed that information may be provided to the department upon their written consent].

(c) The department shall ~~[may]~~ maintain data and information on each newborn who receives services under a program.

SECTION 2. Chapter 47, Health and Safety Code, is amended by adding Sections 47.0031 and 47.0032 to read as follows:

Sec. 47.0031. STANDARD OF CARE. (a) A hearing screening

under this chapter must be performed in accordance with the standards of care established by the Joint Committee on Infant Hearing as those standards existed on January 1, 2009, or later standards of the committee adopted by rule for this purpose by the executive commissioner of the Health and Human Services Commission.

(b) A newborn for whom the hearing screening is part of a routine well-baby examination may be screened using otoacoustic emission (OAE) or auditory brainstem response (ABR).

(c) A newborn admitted to a neonatal intensive care unit for longer than 72 hours must be screened using auditory brainstem response (ABR).

Sec. 47.0032. SECOND SCREENING. (a) The department shall develop a program to ensure that a newborn with abnormal screening results receives a second hearing screening after discharge from a birthing facility but not later than the 30th day after the newborn's birth.

(b) The department shall ensure that a newborn who has abnormal screening results in a second hearing screening receives a diagnostic examination to determine hearing loss before the end of the third month after the newborn's birth.

SECTION 3. Section 47.004(b), Health and Safety Code, is amended to read as follows:

(b) In order to be certified, the program must:

(1) provide hearing screening using equipment recommended by the department;

(2) use appropriately trained ~~[appropriate]~~ staff to provide the screening;

(3) maintain and report data electronically as required by the department;

(4) distribute family, health care provider, and physician educational materials standardized by the department; ~~and~~

(5) provide information, as recommended by the department, to the parents on follow-up services for newborns and infants with abnormal screening results; and

(6) be supervised by a physician.

SECTION 4. Section 47.005, Health and Safety Code, is amended by adding Subsections (b-1) and (d) and amending Subsection (c) to read as follows:

(b-1) A birthing facility may not provide the screening results to the department if the parent objects.

(c) The department shall coordinate the diagnostic examination and appropriate ~~Appropriate~~ and necessary care for the infant who needs follow-up care with ~~[should be directed and coordinated by]~~ the infant's physician or health care provider, with support from appropriate ancillary services.

(d) An audiologist who performs a diagnostic examination related to a hearing screening under this chapter shall report the results of the examination to the department under Section 47.007(b).

SECTION 5. Section 47.007(b), Health and Safety Code, is amended to read as follows:

(b) A qualified hearing screening provider, hospital, audiologist, or intervention specialist shall ~~[may]~~ access the

1 information management, reporting, and tracking system to provide  
2 information[~~, where available,~~] to the department, including  
3 information relating to:

4 (1) the results of each hearing screening performed  
5 under Section 47.003;

6 (2) [~~(1)~~] infants who receive follow-up care;

7 (3) [~~(2)~~] infants identified with hearing loss;

8 (4) [~~(3)~~] infants who are referred for intervention  
9 services; and

10 (5) [~~(4)~~] case level information necessary to report  
11 required statistics to the Maternal and Child Health Bureau on an  
12 annual basis.

13 SECTION 6. This Act takes effect September 1, 2009.